

## ARTICLE XIII.        DEFINITIONS

For the purpose of this Ordinance, the following terms have the following meaning:

Abutter – Means any person whose property adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use hearing board, in the case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined by State law and regulations. (3/07)

Accessory Structure – A structure incidental to and on the same lot as the primary structure. When used in connection with agricultural uses “accessory structure” shall include all structures customarily used for agricultural purposes. (3/97)

Agriculture – Use of land for farming, dairying, pasturing, floriculture, horticulture, forestry, and/or poultry husbandry. 3/94

Boathouse – Any wharf, dock or pier designed for the docking and mooring of waterborne craft over which a permanent structure has been erected for the sheltering of a boat or other waterborne craft from sun and weather.

Boat Slip – This is a volume of water 20 feet long 6 feet wide and 2 feet deep as measured at normal high water, and located adjacent to a structure which watercraft may be secured. 3/02

Boat Tours/Guided Fishing Trips – Boats and services for hire operated by licensed operators or guides. All parking must be off street. Sanitary facilities must be provided in the area of the dock. One facility for operational capacity up to 25 people. Two facilities shall be provided for operational capacities over 25. 3/98

Building – Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or property.

Church - A place for worship and related religious functions, not for habitation. 3/94

Civic Uses – Uses by agencies and departments of town, county, state and federal governments. 3/94

Cluster Development – A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

Commercial Services – A business which provides services off-site, such as logging dozing, landscaping, excavation, and trucking. Equipment may be stored and repaired on the premises with no material stored on the site. 3/94

Commercial Storage Facility – A building of multiple cubicles with a common roof, with lockable doors, independent of each other for rent to consumers for storage. 3/94

Community Wastewater System – A non-municipal wastewater collection, treatment and disposal system for serving at least fifteen (15) service connections or a daily average of at least twenty-five (25) individuals.

Community Water Supply – A non-municipal water supply system for serving at least fifteen (15) service connections or a daily average of at least twenty-five (25) individuals.

Consumer Services – A business which provides or sells a service rather than a product, which is an accessory use to the resident, such as, electricians, plumbers, carpenters, masons, or maintenance services. No outside material storage is allowed and no more than one business related vehicle will be allowed on the premises. 3/94

Day Care Center – A facility where more than six (6) children receive maintenance and care and are supervised by other than the guardian or relatives for less than 24 hours per day. 3/94

Dwelling, Single-Family – A detached residential building or structure other than a mobile home, designed for and occupied by one family only.

Dwelling, Two Family – A residential building or structure designed for or occupied by two families.

Dwelling, Multi-Family – A residential building or structure designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided or permitted.

Dwelling Unit – One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sanitary and adequate room for (3/04) sleeping facilities. It shall include sectional homes, rental cottages (3/04), and modular units provided these units meet the standards of the local building or structure code, but shall not include camper or recreational vehicles, motel, hotel, lodging house or similar structure.

Easement – A grant or reservation of land for use by others, which may include the public, for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement. The usage of the word “easement” for land platting purposes in these regulations means that such easement area is included within the dimensions and areas of the lots or parcels through which the easement may run, and is not to be separated there from as in the case of a right-of-way.

Erosion – The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities. (3/08)

Essential Services – The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of facilities reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies and for the public health, public safety, or general welfare. Telecommunications facilities are not essential services for the purpose of this ordinance. 3/98

Expansion –

1. For structures any increase in height, width, length, cubic footage, above or below ground. This includes, but is not limited to, porches, decks, roof overhangs, patios, and basements/cellars.
2. Expansion of uses shall be any increase in the impact that the use may cause to the inhabitants of the Town or the Town itself not limited to but including traffic (both human and vehicle), waste disposal (both solid and septege), water withdrawal, and municipal services. The Planning Board shall be the determiner of whether there is or is not an increase in the impact of the use. 3/02

Family – An individual, or two or more individuals related by blood, marriage, or adoption living together, or not more than two (3/04) individuals not related by blood, marriage or adoption living together as a single housekeeping unit.

Flood Hazard – 1. Those areas subject to periodic flooding. 2. Other terms used in the flood hazard district may be found in the Flood Plain Ordinance. (3/97)

Greenhouse – A structure constructed for the production of flowers and or vegetables with an area set aside for packaging and wrapping of said commodities. 3/94

Group Development – The residence of a group of four (4) or more persons, not related by blood, marriage, adoption or guardianship and living together as a single unit.

Hazardous Materials – This term includes, but is not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids such as phenol and cresols and their salts, and all radioactive material.

Home Occupation – A business, profession or trade not allowable at that location as a principal use, conducted inside a dwelling or building accessory thereto as an accessory use and conforming to the criteria set forth under General Provisions. (3/98)

Junkyards – (RSA 236:112 Section I) Junkyard means any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles, or old iron, metal, glass, paper, cordage, or other waste or discarded or second hand material which has been part or intended to be a part of any motor vehicle, the sum of which parts or material shall be equal in bulk to 2 or more motor vehicles. Junkyards shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of a motor vehicle or cut up parts thereof.

Kennel, Animal Boarding and Grooming – An establishment which more than six (6) dogs or domestic animals more than one year old are housed, groomed, bred, boarded, trained or sold.

Lake Shore District – Any area within five hundred (500) feet of the average high water level of lake or pond; an area to be determined by projecting a line perpendicular to the average high water level of a lake or pond.

Light Industry – The assembly manufacture, processing, packaging, or other operations to goods or materials such as in machine shops. 3/94

Lot – A lot is a parcel of land occupied or to be occupied by only one main building or structure and the accessory buildings or structures or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required.

Lot Frontage – Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the ordinance shall be provided at each such line.

Manufactured Housing/Mobile Home – A detached, transportable structure built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including plumbing, heating and electrical systems contained therein. Sectional homes, modular homes and prefabricated homes are not considered as manufactured housing/mobile homes.

Marina – A commercial waterfront facility whose principle purpose is the provision of publicly available services for the securing, fueling, renting, launching, storage, servicing or repairing of watercraft. A facility for short-term docking that is ancillary or incidental to other commercial land uses shall be considered a commercial use and not a marina. 3/98

Motel – Lodging – A building which contains accommodations with or without kitchens, primarily used by seasonal guests for temporary living quarters for recreational uses; not a primary residence, seasonal use only.

Multi Use Facilities/Property – A structure or structures on one lot that has both residential and non-residential uses. The set backs and lot coverage shall be as described in cluster residential. The tenants need not be the owner, and need not be the same. Being a business site this will require Site Plan Review as well as a Special Exception. 3/98

Municipal Wastewater System – A wastewater collection, treatment and disposal system that serves at least two (2) homes and that is owned and operated by a municipal or regional government.

Municipal Water Supply – A water supply system for serving at least fifteen (15) service connections or a daily average of at least twenty-five (25) individuals and operated by a municipal or regional government.

Natural Ground Cover - Any herbaceous plant or any woody seedling or shrub generally less than three feet in height. Natural ground cover shall also include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones and boulders. (3/08)

Non-Conforming Structure Use or Lot – A structure, use or lot that does not conform to the regulations of the zoning district in which it is carried or located.

Normal High Water – for the Squam Lakes is the full lake elevation of 562.5 feet. 3/02

Nursing Home – A building, or part thereof, used on a twenty four (24) hour basis for the housing and nursing care of four (4) or more, non-related persons, who, because of mental and/or physical capacity might be unable to provide for their own needs and safety without the assistance of another person. 3/94

Parking Space – A single parking space is ten (10) feet in width X twenty (20) feet in length and having additional adequate area for maneuvering.

Private Clubs – An establishment utilized by an organization for functions pertaining to their order. 3/94

Professional Offices – A facility whose personal provide a service such as, lawyer, physician, hair dresser, banks, educational services, funeral homes. 3/94, 3/01

Recreational Camping Park – Shall mean a plot of ground upon which two or more temporary living quarters, such as: travel trailers, tent campers, tents, pickup campers, or similar types of vehicles or structure used for these purposes are located, established or maintained, and operated as temporary living quarters for children or adults for recreation (including education or vacation purposes) either free or by payment of a fee. Occupancy of a recreational site shall not fulfill residency requirements for the Town of Holderness, NH

Recreation Facility – Commercial – A recreation facility operated as a business and open to the public for a fee. Site Plan Review is required. 3/94

Recreation Facility – Commercial Low Impact – A recreation facility operated as a business and open to the public for a fee. The low impact uses shall be meeting facilities, arts, crafts, theater activities, (3/04) non-motorized biking, non-motorized boating, cross country skiing, snowmobiling, horseback riding, horse drawn wagon or sled operation, picnicking, swimming (both lake and pool), snowshoeing, hiking and backpacking. 3/95

Recreation Facility – Personal – A recreation facility as an accessory use on the same lot as the principal permitted use, and designed to be used primarily by the occupants of the permitted use and their guests (examples; tennis court, swimming pool, etc.). 3/94

Recreation Facility – Public – A recreation facility operated by a non-profit or governmental agency and open to the general public. Non-profit organizations require Site Plan Review. 3/94

Recreational Vehicle/Travel Trailer – A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self propelled or towable by a light duty vehicle, (4) not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use, (5) not a primary residence. 3/94

Reference Line - For the Squam Lakes the reference line is an established flowage right extending to an elevation of 563 feet and for rivers shall be the ordinary high water mark established by the fluctuations of water and indicated by physical characteristics.

Rental Cottages – One or more buildings which contain accommodations, with or without kitchen facilities, primarily used by seasonal guests for temporary living quarters for recreational uses; not a primary residence, seasonal use. 3/94

Riding Stable – A facility that incorporates buildings and associated paddocks to house domesticated animals (such as horses, mules donkeys, and lamas) and trails for recreational purposes for public use. 3/94

Right-of-Way – Shall mean a strip of land for or intended to be used for a street, either public or private. Any right-of-way shall be a minimum of 50 feet.

River Corridor – That area of land contiguous to the Pemigewasset River, 500 feet from the mean high water level or, in the case of the flood plain, 1000 feet from said mean high water level.

Sand and Gravel Excavation – An area where the excavation of earth material is extracted for sale, in the form of loam, sand, gravel, fill, pea stone, etc. As per State laws and regulations. (3/07)

Seasonal Use – Means the use of a structure or property for not more than six (6) months of continuous use in any calendar year without intending to establish a domicile or permanent residence.

Sedimentation - The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity and into a lake or natural watercourse or wetland. (3/08)

Setback – The distance between a legal boundary (right-of-way, lot line, reference line, or property line) and any part of a building or structure. All distances shall be measured as horizontal distance as if on a flat plain. 3/02

Site Disturbance - Any activity that removes the vegetative cover from the land surface. (3/08)

Slope - The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; rise over run (3/08)

Soils – Any and all references to soils regarding this ordinance shall be as provided for in the Holderness Subdivision Regulations. 3/99

Shore Frontage – The width of a lot measured along its common boundary with a river, lake, or pond. The width means the distance of the actual navigable shoreline footage and a straight line drawn between the

property lines both of which are measured at a normal high water for lakes and ponds and ordinary high water for rivers. In no case shall this value be less than twenty five (25) feet in length. 3/02

Special Event – An event that is temporary in nature, may or may not be permitted in the Zoning Ordinance and may require Site Plan Review. 3/01

Special Exception – A use of a building or structure or lot which may be permitted under this Ordinance only upon application to the Board of Adjustment and subject to the approval of the Board when such use would not be detrimental to the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare and only in cases where the words “Special Exception” in this Ordinance pertain.

Steep Slope - Land area where slope is equal to or greater than 15% (3/08)

Street – Means and includes highways, as per State laws and regulations (3/07)

Structure – Anything constructed or erected, including signs, the use of which requires location on the ground or attachment to something having location on the ground. It shall not include a minor installation, such as a fence less than six (6) feet high, mailbox or flagpole.

#### Subdivision

1. Means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
2. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.
3. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structures which are less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

### Substantial Improvement –

Substantial Improvement shall mean any change to structures that will increase the value of those structures. The following are exempt from this provision and shall not require a permit; Repair in kind of existing portions of the structure, Any painting of structure, roof repair or replacement as long as all dimensions remain original. 3/02

Telecommunications Facilities – Any structure, antenna, tower, or other device which provides mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications, and personal communications service, and common carrier wireless exchange access services. 3/99

Temporary – Anything that is for less than a period of one year, unless otherwise stipulated by a Board or agency of the Town 3/01

Temporary Sawmill – A structure with equipment for the production of logs into lumber, that is set in the ground or on wheels and in a location for not more than one year. 3/94

Useable Lot Area - The net area of a tract, parcel or lot excluding wetlands and areas with slopes greater than 25%. Useable Lot Area equals Total Lot Area less “Unsuitable Land” .(3/08)

Variance – A relaxation of the terms of this Ordinance, where such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

Vegetative Cover - Grasses, shrubs, trees, and other vegetation, which hold and stabilize soils. (3/08)

Vehicle Service Station – Any area of land, including structures thereon, that is used or designated to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and/or does mechanical repairs. 3/94

Wetlands - means an area that is inundated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.(3/08)

Wharves, Piers, Wet Docks, and Floats – Structures intended for the mooring of waterborne craft and/or the docking of same for the discharge and loading of passengers, freight, and other goods.